

**CITY OF BROKEN ARROW**  
**MINUTES OF**  
**BOARD OF ADJUSTMENT MEETING**  
**May 12, 2003**

The Board of Adjustment Agenda was posted at 9:00 a.m., May 9, 2003, on the City Hall Bulletin Board, 220 South First Street, Broken Arrow. The Broken Arrow Board of Adjustment met in a regular meeting in the City Council Chambers at City Hall on Monday, May 12, 2003, at 6:00 p.m.

Present: Jack Keeling, Chairman  
Archer Honea, Member  
Ralph Crotchett, Member  
Tim Edmondson  
Rene' L. Ray

Absent: None

Staff Present: Farhad K. Daroga, City Planner  
Brent Murphy, Assistant City Planner  
Karl Fritschen, Staff Planner  
Joyce Snider, Administrative Assistant  
April Parnell, Assistant City Attorney  
Don Slone, Community Development Coordinator

3. The Board considered the minutes of the January 13, 2003 Board of Adjustment meeting.

**Motion** by Ralph Crotchett to approve the minutes of the Board of Adjustment meeting held January 13, 2003. The motion was seconded by Archer Honea.

Yes: Edmondson, Crotchett, Honea, Keeling

No: None

Abstain: Ray

**Motion approved.**

Chairperson Jack Keeling welcomed new Board of Adjustment member Rene' L. Ray, who was appointed by the City Council to a three-year term, replacing retiring Board member John Taylor.

5. The Board considered BOA 630, 0.99 acres, IS (BAZ 1578 approved subject to platting) one-half mile east of 209<sup>th</sup> East Avenue on the north side of Kenosha Street, Laurie B. Price (Applicant). Brent Murphy presented the background, saying BOA 630 is a request for a variance to reduce the building line setback along the east property line from 50 feet to zero feet for the existing building. The property, which is located on the northeast corner of the intersection of Kenosha Street and the Creek Turnpike, ½ mile east of 209<sup>th</sup> E. Avenue on the north side of Kenosha Street, is presently zoned A-1. On November 4, 2002, the City Council conditionally approved BAZ 1578 to change the zoning on this property from A-1 to IS. BAZ 1578 was approved subject to the property being platted. A conditional final plat has been submitted.

5. continued

Brent Murphy said the property associated with BOA 630 was annexed into Broken Arrow on June 2, 1980. The existing building adjacent to the east property line was constructed prior to the property being annexed into the city limits. This building does not meet the building setback requirements along 217<sup>th</sup> E. Avenue, which is not a City street. He said Staff recommends approval of BOA 630, with the reduction in the setback along 217<sup>th</sup> E. Avenue from 50 feet to 0 feet applying only to the existing structure. He said if the existing structure be destroyed by any means to an extent of more than fifty percent of its replacement cost at the time of destruction, Staff recommends it shall not be reconstructed except in conformity with the provisions of the Zoning Ordinance. In addition, the existing structure shall not be enlarged or altered in any way that increases its nonconformity.

Jack Keeling asked if this condition arises because of the change in zoning from A-1 to IS and Mr. Murphy said it does and this will bring it into compliance.

Archer Honea asked Brent Murphy to explain for the record IS zoning. Brent Murphy said it is for Industrial Service. The building is to be used as a warehouse and landscape materials will be sold. Archer Honea asked if the zoning change had not been requested would it have been necessary for the variance to be requested. Brent Murphy said that is correct. Tim Edmondson asked why the building could not be rebuilt as approved if more than fifty percent of it was destroyed. Brent Murphy explained that this is a Zoning Code requirement and Farhad Daroga elaborated on that point (grandfather clause).

Jack Keeling asked the applicant if he had anything to add. The applicant, Laurie Price, said she did not.

Danny McCarty, 841 Lynnwood Lane, Broken Arrow, said he thought the drawing showing the location of the project indicated a portion of the building is on his property. He said the road right-of-way is on his property and there is a utility easement on the other side of that. It was explained by Jack Keeling that the map does not show exact locations. Mr. McCarty said he is not opposed to the project, but he would like to see a survey done to make sure the building is not in the road or utility easements. Jack Keeling said a survey has been performed. Discussion followed.

Laurie Price, P.O. Box 68, Broken Arrow, the applicant/ property owner, said when this property was purchased, the building was there as well as a great deal of debris and she is cleaning it up, trying to put the property in the condition in which it should be.

Archer Honea asked if Ms. Price had the abstract reviewed by an attorney and Ms. Price said she had and has title insurance and the attorney did not mention any encroachments.

Tim Edmondson asked Ms. Price if she had a problem with the State statute regarding partial destruction of the building and she said she did not. She said she put a condition on the final plat that if anything was redone on the building, it would be brought into compliance (with the Code).

**Motion** by Archer Honea to approve BOA 630 as requested, reducing the setback line along 217<sup>th</sup> East Avenue from 50 feet to zero feet, only applying to the existing structure and at any time the existing structure is destroyed to the extent that exceeds the statute or meets the statute that it shall be totally destroyed at that time. The motion was seconded by Ralph Crotchett.

5. continued

Tim Edmondson requested restatement of the motion.

Archer Honea restated his motion, saying the motion is accepted for BOA 630, which reduces the setback along 217<sup>th</sup> East Avenue, from fifty feet to zero feet, only as it applies to the existing structure at this time and should the existing structure be destroyed to the extent of whatever the controlling statute is, whether it is fifty or sixty percent, it shall not be reconstructed except as it is in conformity at that time.

Tim Edmondson asked if it is necessary to state that it can't be added to or altered.

Archer Honea altered his motion to include: "In addition, the existing structure shall not be enlarged or altered in any way that increases its nonconformity." Ralph Crotched seconded the motion as stated.

Yes: Ray, Edmondson, Crotchett, Honea, Keeling

No: None

**Motion approved.**

6. **REMARKS, INQUIRIES AND COMMENTS BY BOARD MEMBERS AND STAFF (NO ACTION)**

Jack Keeling said the Board wishes to recognize our retiring Board of Adjustment Member, long time member, John Taylor and present him with a token of appreciation. Mr. Keeling presented Mr. Taylor with a plaque. Farhad Daroga presented Mr. Taylor's name plate and a letter of appreciation to him. Mr. Taylor spoke briefly and expressed his appreciation for the hard work that Staff does and the quality of the membership of the Board.

7. **Motion** by Archer Honea, at 6:22 p.m., to adjourn. Motion seconded by Rene' Ray.

Yes: Ray, Edmondson, Crotchett, Honea, Keeling

No: None

**Motion approved**